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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,728	09/12/2003	Herbert Jainck	037141.52695US	4919

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EXAMINER

KURTZ, BENJAMIN M

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/660,728	Applicant(s) JAINEK ET AL.	
	Examiner Benjamin Kurtz	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/24/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-5 and 9-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Jainek German Patent No. DE 100 52 101 (English equivalent U.S. Patent 6,955,755).

Regarding claim 1, Jainek (101) discloses a valve (32) in a filter (10) with a valve body (34) in a valve housing (67) which can open and close, the valve housing comprises an elastically deformable clamping collar (68) protruding radially relative to an outer housing wall (70), penetrates partially into a part of the filter, and with a tangent applied to the clamping rim (68) forms an angle less than 90 degrees with the longitudinal valve axis (fig. 1, 3, paragraph [0016]).

Regarding claims 2-5, Jainek (101) discloses the valve is a liquid filter valve (abstract), the clamping collar is convex and conical (figs. 1-3) and the clamping collar is disposed at an axial end face of the valve housing (fig. 3).

Regarding claims 9-11, Jainek (101) discloses the valve housing made of sheet metal, a radially protruding stamping burr along an outer rim and the clamping collar penetrates partially into a wall of the filter housing (col. 3, paragraph [0016]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel Patent No. 6,284,130 in view of Schwegler et al. Patent No. 5,794,597.

Regarding claims 1 and 11, Daniel (130) discloses: a valve (60) having a valve body (100) (figure 6, column 4, lines 8-9), the valve (60) in a valve housing (41) (figure 6), the valve (60) being displaceable between an open and closed position (column 4, lines 8-15), and an elastically deformable clamping collar (43) (figure 6, column 3, lines 45-48) that protrudes radially relative to an outer housing wall (42) (figure 6) and a tangent applied to the outer rim (43) forms an angle of less than 90 degrees with the longitudinal valve axis (figure 6). Daniel (130) does not disclose the clamping collar (43) penetrates into a part of the filter. Schwegler (597) teaches a valve in a housing (230) where the valve has a retaining element (254) with resilient hook ends (270) which dig into the housing (230) (fig. 5, col. 5, lines 35-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the locking concept of a penetrating collar and hook of Schwegler (497) because when a force acts on the retaining element (254) it remains fixed in place (col. 5, lines 48-50).

Regarding claims 2-8 and 10, Daniel further discloses the valve (60) that is a liquid filter valve (column 1, lines 58-62), the clamping collar (43) is convex (figure 6),

Art Unit: 1723

the portion extending around structure (44) is convex, the clamping collar (43) is conical (figure 6), the straight portion (43) forms a conical structure, the clamping collar (43) is disposed in the area of an axial end face of the valve housing (41) (figure 6), a circumferential, radially protruding shoulder disposed on the outer wall of the valve housing (42) parallel to the clamping collar (43) (figure 6), the shoulder being the portion extending radially outward from the housing wall (42) between the housing wall (42) and the collar (43), a circumferential groove formed axially between the clamping collar portion (43) and the shoulder (figure 6) and a gasket (31) inserted into the groove (figure 1,2,6), the groove being above portion (43) where the housing extends axially at a 90 degree angle to the longitudinal axis in the region of (44), the clamping collar (43) has a larger diameter than the shoulder (figure 6) and the clamping collar has a radially protruding stamping burr along the outer rim (43) (figure 6).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel (130) in view of Schwegler (597) as applied to claim 1 above, and further in view of Hultgren (664). Daniel (130) discloses a valve according to claim 1, but does not disclose the valve housing or collar being made of metal. Hultgren (664) discloses a metal valve housing (54) and a metal collar (88) (claim 1 lines 16-17). It would have been obvious to one skilled in the art to modify the valve as taught by Daniel (130) with the valve housing as taught by Hultgren (664) since a metal housing provides a resilient support structure (col. 2, lines 26-29, col. 5, lines 30-36).

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bk 3/21/2006

  
JOHN KIM  
Primary PATENT EXAMINER